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Dear Marine Industry Partner:

On September 27, 2003, revised Annex IV (Sewage) of the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (MARPOL 73/78 Annex IV) will internationally enter into force. The Annex applies to all new vessels built on or after September 27, 2003, which are 400 Gross Tons, International Tonnage Convention (ITC) and above. The Annex also applies to new vessels less than 400 Gross Tons (ITC) which are certified to carry more than 15 passengers. Existing vessels 400 Gross Tons (ITC) and above and those existing vessels less than 400 Gross Tons (ITC) which are certified to carry more than 15 passengers need not comply until September 27, 2008. As such, our immediate concern will focus on new vessels.

Although MARPOL 73/78 Annex IV has not been ratified by the United States, United States flagged vessels on international voyages and sailing in the waters of countries that have adopted MARPOL 73/78 Annex IV may need to demonstrate compliance with MARPOL 73/78 Annex IV requirements even though they are not required to do so domestically. Additionally, vessels on international voyages may need to possess a document equivalent to the International Maritime Organization's International Sewage Pollution Prevention Certificate. Failure of a United States flagged vessel to have the appropriate certificate or a document stating shipboard equivalency to MARPOL 73/78 Annex IV could result in a port state detention abroad, costing time and money.

All vessels sailing internationally to countries signatory to MARPOL 73/78 Annex IV, should have an installed and operational United States Coast Guard approved Marine Sanitation Device (MSD) which meets the criteria of 33 Code of Federal Regulations Part 159. The Coast Guard considers Coast Guard approved MSDs to be equivalent to MARPOL 73/78 Annex IV requirements. Since the United States is not a party to MARPOL 73/78 Annex IV, the Coast Guard cannot issue official international convention certificates as a Flag State. However, in order to facilitate commerce and reduce confusion, the Coast Guard will issue a Flag State document demonstrating voluntary equivalent compliance with MARPOL 73/78 Annex IV. Marine Safety Offices, Activities, and other Marine Safety field units are being provided guidance by this office to issue the Certificates of Equivalency to individual vessels upon request. As an alternative, operators of classed vessels may request a Statement of Voluntary Compliance from an Authorized Classification Society (ACS). An ACS, however, will only issue Statements of Voluntary Compliance to vessels that fully meet the provisions of MARPOL 73/78 Annex IV.

Subj: PREVENTION OF POLLUTION FROM SHIPS (MARPOL 73/78)

Please contact your local Marine Safety Office to request a Certificate of Equivalency or contact an ACS office to request a Statement of Voluntary Compliance. If you have any questions regarding the entry into force of MARPOL 73/78 Annex IV or the Coast Guard's compliance initiative, please don't hesitate to contact your local Marine Safety unit or Lieutenant Commander Brian Downey of the Coast Guard Headquarters' Domestic Vessel Compliance Division at (202) 267-2735.

Sincerely,

J. A. SERVIDIO
Commander, U. S. Coast Guard
Chief, Office of Compliance
By direction of the Commandant